

19MAG11887

Approved:



THOMAS S. BURNETT  
Assistant United States Attorney

Before: THE HONORABLE KEVIN NATHANIEL FOX  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	19 Mag.
	:	
- v. -	:	RULE 5(c)(3)
	:	AFFIDAVIT
BENJAMIN PEREZ-ALVAREZ,	:	
	:	
Defendant.	:	
	:	

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SOUTHERN DISTRICT OF NEW YORK, ss:

FREDERICK PORCARO, being duly sworn, deposes and says that he is a Deputy United States Marshal with the United States Marshal Service ("USMS"), and charges as follows:

On or about June 26, 2019, the United States District Court for the Middle District of Florida issued a warrant for the arrest of "Benjamin Perez-Alvarez" on an Order of the Court for violations of conditions of supervised release. A copy of the arrest warrant is attached as Exhibit A hereto and incorporated by reference herein.

I believe that BENJAMIN PEREZ-ALVAREZ, the defendant, who arrested on December 19, 2019, in the Southern District of New York, is the same person as the "Benjamin Perez-Alvarez" who is wanted by the United States District Court for the Middle District of Florida.

The bases for my knowledge and for the foregoing charge are, in part, as follows:

1. I am a Deputy United States Marshal with USMS. I have been personally involved in determining whether BENJAMIN PEREZ-ALVAREZ, the defendant, is the same individual as the "Benjamin Perez-Alvarez" named in the June 26, 2019 arrest warrant from the United States District Court for the Middle District of Florida. Because this Affidavit is being submitted

for the limited purpose of establishing the identity of the defendant, I have not included in this Affidavit each and every fact that I have learned. Where I report statements made by others, those statements are described in substance and in part, unless otherwise noted.

2. Based on my review of documents from the United States District Court for the Middle District of Florida, I know that, on or about June 26, 2019, the United States District Court for the Middle District of Florida issued a warrant for the arrest of "Benjamin Perez-Alvarez" (the "Arrest Warrant"). The Arrest Warrant was based on alleged violations of the conditions of supervised release. The Arrest Warrant was issued by Deputy Clerk T. LeGros for the Middle District of Florida.

3. On December 19, 2019, at approximately 9:25am, BENJAMIN PEREZ-ALVAREZ, the defendant, was arrested in Bronx, New York.

4. Law enforcement officers from Florida showed me photographs of the "Benjamin Perez-Alvarez" involved in the underlying Middle District of Florida matter and named and sought in the Arrest Warrant.

5. Based on my visual comparison of the provided photographs with BENJAMIN PEREZ-ALVAREZ, the defendant, I believe that the "Benjamin Perez-Alvarez" sought in the Arrest Warrant is the defendant, BENJAMIN PEREZ-ALVAREZ.

6. From my participation in the arrest of BENJAMIN PEREZ-ALVAREZ, the defendant, I have learned the following:

a. When law enforcement approached PEREZ-ALVAREZ, and prior to the arrest, PEREZ-ALVAREZ confirmed that he goes by the name "Benjamin Perez."

b. Incident to PEREZ-ALVAREZ's arrest, law enforcement recovered an identification card in the name of "Benjamin Perez" from PEREZ-ALVAREZ's pocket.

7. Based on information provided to me by other law enforcement officers, I have learned that the identification card recovered during the arrest of BENJAMIN PEREZ-ALVAREZ, the defendant, displays the name "Benjamin Perez" and a birthdate that matches law enforcement records for the birthdate of the "Benjamin Perez-Alvarez" who is the subject of the Arrest Warrant.

8. Accordingly, I believe that the "Benjamin Perez-Alvarez" sought in the Arrest Warrant is the defendant, BENJAMIN PEREZ-ALVAREZ.

WHEREFORE, I respectfully request that BENJAMIN PEREZ-ALVAREZ, the defendant, be imprisoned or bailed as the case may be.



\_\_\_\_\_  
FREDERICK PORCARO  
Deputy United States Marshal  
United States Marshal Service

Sworn to before me this  
19th day of December, 2019.



\_\_\_\_\_  
THE HONORABLE KEVIN NATHANIEL FOX  
United States Magistrate Judge  
Southern District of New York

# **EXHIBIT A**

**COPY**

FID# 1039314

**UNITED STATES DISTRICT COURT**  
**Middle District of Florida**

**WARRANT FOR ARREST****UNITED STATES OF AMERICA****VS.****CASE NO: 6:19-cr-145-Orl-40TES****BENJAMIN PEREZ-ALVAREZ**

To: The United States Marshal and any Authorized United States Officer:

RECEIVED  
U.S. MARSHAL

MIDDLE FLORIDA  
ORLANDO

06 JUN 26 PM 12 16

YOU ARE HEREBY COMMANDED to arrest Benjamin Perez-Alvarez;and bring him forthwith to the nearest magistrate judge to answer a **Supervised Release Violation** charging him with: See Petition.**COPY**T. LeGros

Name of Issuing Officer



Signature of Issuing Officer

Deputy Clerk

Title of Issuing Officer

June 26, 2019, Orlando, Florida

Date and Location

**RETURN**

This warrant was received and executed with the arrest of the above-named individual at:

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST	<b>COPY</b>	